



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# **Draft Proposed Amendments to BAAQMD Regulation 3: Fees and Regulation 5: Open Burning**

**Bay Area Air Quality Management District  
Public Workshop  
February 4, 2013**

**Doug Tolar  
Senior Air Quality Specialist**



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# Presentation Outline

- *Background*
- *Draft Proposed Amendments to Reg. 3*
- *Draft Proposed Amendments to Reg. 5*
- *Rule Development Schedule*

# Background

---

- District has authority to assess fees to recover the reasonable costs of area-wide or indirect sources of emissions which are regulated, but for which permits are not issued by the District
- Fees are amended as part of annual budget preparation
  - Upcoming Fiscal Year Ending (FYE) 2014
- Open Burning Program is a regulatory program where costs are not recovered - currently no fees
- Fee proposal is part of the District efforts to increase Cost Recovery to 85% by FYE 2016

# Draft Amendments to Regulation 3

---

- Proposed Schedule V would establish new fees for all open burning activities allowed in Regulation 5
  - Five (5) different open burning fees being considered
- Goal to recover 85% of est. \$377K/yr. program cost
  - Fee proposal consistent with Cost Recovery Policy
- All fees would be paid “up front” prior to burning
- All fees would be non-refundable
- Proposed effective date – July 1, 2013

# Proposed Schedule V: Open Burning Fees

---

## (1) Prior District Notification Fee

- \$98 fee would apply to six agricultural and six non-agricultural fires subject to Reg. 5 prior District notification requirement
- These twelve (12) allowable fires account for >95% of the estimated total # of burns conducted annually in the District
  - More than 2,800 notifications received per year
- Fee determined for each property
- Fee payment valid for one burn period – time period within 12 consecutive months when a given fire is allowed in Reg. 5
  - For those fires allowed year-round, the fee payment is valid for one year from the fee payment date

# Proposed Schedule V: Open Burning Fees

---

## (1) Prior District Notification Fee (cont'd)

### Regulation 5 Section – Fire

401.1 - Disease and Pest

401.2 - Crop Replacement

401.3 - Orchard Pruning and Attrition

401.4 - Double Cropping Stubble

401.6 - Hazardous Material

401.7 - Fire Training

401.8 - Flood Debris

401.9 - Irrigation Ditches

401.10 - Flood Control

401.11 - Range Management

401.12 - Forest Management

401.14 - Contraband

### Permissive Burn Period

January 1 – December 31

October 1 – April 30

November 1 – April 30

June 1 – August 31

January 1 – December 31

January 1 – December 31

October 1 – May 31

January 1 – December 31

January 1 – December 31

July 1 – April 30

November 1 – April 30

January 1 – December 31

- Additional fee required when a person seeks to burn an amount of material greater than the amount listed in initial notification provided for a burn season or one-year period

# Proposed Schedule V: Open Burning Fees

---

## (2) Prescribed Burning Fee

### ➤ This fee would be applicable to:

- Prescribed burn projects of any size including VMPs, and
- Any one of the following fires that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land:
  - Range Management fire, Forest Management fire, Hazardous Material fire not related to PRC 4291, and Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land.

### ➤ Fee determined by proposed acreage to be burned in the Smoke Management Plan (SMP) required in Regulation 5

- \$425 (less than or equal to 50 acres)
- \$575 (greater than 50 acres but less than or equal to 150 acres)
- \$750 (greater than 150 acres)

### ➤ Fee payment would be valid for burn project approval period

# Proposed Schedule V: Open Burning Fees

---

## (3) Marsh Burning Fee

➤ Fee determined for each property by proposed acreage to be burned in the Smoke Management Plan (SMP) required in Regulation 5

- \$350 (less than or equal to 50 acres)
- \$475 (>50 acres but less than or equal to 150 acres)
- \$600 (>150 acres)

➤ Fee payment valid for Spring or Fall burn period

- Same as District approval of Smoke Management Plan



# Proposed Schedule V: Open Burning Fees

---

## (4) Stubble Burning Fee

- Fee would apply to burners required in Reg. 5 to receive an acreage burning allocation prior to burning
- 4-tiered fee determined for each property by proposed acreage to be burned by landowner
  - \$250 (less than or equal to 25 acres)
  - \$350 (greater than 25 acres but less than or equal to 75 acres)
  - \$425 (greater than 75 acres but less than or equal to 150 acres)
  - \$500 (greater than 150 acres)
- Fee payment valid for one stubble burn season per calendar year (September 1 to December 31)

# Proposed Schedule V: Open Burning Fees

---

## (5) Filmmaking Fire and Public Exhibition Fire Fee

- Filmmaking Fires – set as part of commercial film or video production activities for motion pictures and television.
- Public Exhibition Fires – set as part of a planned civic event designed to educate or benefit the public
  - These fires may occur at airshows, disaster drills, safety exercises and consumer product demonstrations.
- \$505 fee would apply to both allowable fire types
- Fee payment valid for burn project approval period

# Draft Amendments to Regulation 5

---

- Proposed New Section 5-411, Open Burning Fees
  - Intended to serve as a simple cross-reference between the proposed fees in Regulation 3 and Regulation 5
  - Non-substantive

# Rule Development Schedule

---

- January 17, 2013
  - Workshop Notice/Draft fee amendments issued
- February 4-27, 2013
  - Eight (8) Public Workshops
- March 27, 2013 or April 24, 2013
  - Budget & Finance Committee briefing
- May 1, 2013
  - First public hearing to receive testimony by Board of Directors
- June 5, 2013
  - Second public hearing to consider adoption by Board of Directors
- July 1, 2013
  - Proposed effective date of fee amendments

# Comments

---

➤ Please provide comments by March 15, 2013 to:

Doug Tolar

Bay Area Air Quality Management District

939 Ellis Street

San Francisco, CA 94109

[dtolar@baaqmd.gov](mailto:dtolar@baaqmd.gov)

(415) 749-5118